



# **STATE MINING AND GEOLOGY BOARD**

## **EXECUTIVE OFFICER'S REPORT**

**For Meeting Date: December 9, 2010**

**Agenda Item No. 9: Delegation of a Committee for Conduct of a Public Hearing for a Reclamation Plan Appeal for the Mosler Rock Quarry (CA Mine ID #91-56-0025), Ventura County, Pursuant to Title 14, Division 2, Chapter 8, Subchapter 1, California Code of Regulations, Article 5, Section 3655.**

**INTRODUCTION:** On August 26, 2010, the Chairman of the State Mining and Geology Board (SMGB) determined that the petition for a Reclamation Plan and Financial Assurance Appeal dated July 21, 2010, submitted on behalf of Mosler Rock Products (Mosler) for the Ojai Quarry (CA Mine ID #91-56-0025), was within the jurisdiction of the SMGB and accepted the appeal. The basis for the appeal states that the County of Ventura (County) failed to approve and timely act upon an amended reclamation plan and financial assurance for the Ojai Quarry. Mosler has petitioned the SMGB to take jurisdiction of the appeal under three statutes within the Surface Mining and Reclamation Act (hereinafter referred to as SMARA; Public Resources Code (PRC) Section 2770(e), subdivisions (e)(1), (e)(2) and (e)(3)). Upon review of the administrative record, and a determination by the SMGB's Executive Officer that the record is complete, a public hearing will be scheduled for the SMGB to hear this matter. Should the appellant not be in a position to wait until the SMGB's regular business meeting scheduled for February 10, 2011, which is preferred by the County, the SMGB may wish to consider delegating authority to hear this matter to a committee of at least two members of the SMGB to be appointed by the SMGB's Chairman.

**REGULATORY AUTHORITY:** California Code of Regulations (CCR) Section 3655 provides authority for delegation for conduct of a hearing for a reclamation plan appeal and states:

*"The Board may delegate conduct of the hearing to a committee of at least two members of the Board to be appointed for that hearing by the Chairman of the Board. The Chairman of the Board or the Chairman's designee (Board Member) shall conduct the hearing; the recommendations of the committee shall be presented to a quorum of the Board at a regular business meeting for a decision of the full Board consistent with the procedures set forth in Section 3659 of these regulations."*

**EXECUTIVE OFFICER'S RECOMMENDATION:** No recommendations are provided by the Executive Officer at this time.

Respectfully submitted:

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Stephen M. Testa  
Executive Officer



*Executive Officer's Report*